

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

RAYCO DELSHAUNE TRAYLOR,

CIVIL NO. 15-3203 (SRN/JSM)

Plaintiff,

v.

REPORT AND RECOMMENDATION

RAINBOW TAXI,

Defendant.

JANIE S. MAYERON, United States Magistrate Judge

Plaintiff Rayco DelShaune Traylor commenced this action by filing a complaint alleging that defendant Rainbow Taxi acted negligently. Traylor, a prisoner, did not pay the required filing fee for this case, but instead filed an application seeking leave to proceed *in forma pauperis* ("IFP"). See Docket No. 2. In an order dated August 12, 2015, this Court required Traylor to pay an initial partial fee of \$0.96 within 20 days, failing which it would be recommended that this action be dismissed without prejudice for failure to prosecute. See Docket No. 4 at 3 (citing Fed. R. Civ. P. 41(b); 28 U.S.C. § 1915(b)).

That deadline has now passed, and Traylor has not paid the required filing fee. In fact, Traylor has not communicated with the Court about this case at all since commencing this action. Accordingly, this Court now recommends, in accordance with its prior order, that this action be dismissed without prejudice under Rule 41(b) for failure to prosecute. See *Henderson v. Renaissance Grand Hotel*, 267 Fed. App'x 496, 497 (8th Cir. 2008) (per curiam) ("A district court has discretion to dismiss an action

under Rule 41(b) for a plaintiff's failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.").

RECOMMENDATION

Based on the foregoing, and on all of the files, records, and proceedings herein,

IT IS HEREBY RECOMMENDED THAT:

1. This action be DISMISSED WITHOUT PREJUDICE for failure to prosecute under Fed. R. Civ. P. 41(b).
2. Plaintiff Rayco DelShaune Traylor's application to proceed *in forma pauperis* [Docket No. 2] be DENIED AS MOOT.

Dated: September 17, 2015

Janie S. Mayeron
JANIE S. MAYERON
United States Magistrate Judge

NOTICE

Under D. Minn. LR 72.2(b) any party may object to this Report and Recommendation by filing with the Clerk of Court, and serving all parties by **October 1, 2015**, a writing which specifically identifies those portions of this Report to which objections are made and the basis of those objections. A party may respond to the objecting party's brief within 14 days after service thereof. All briefs filed under this Rule shall be limited to 3500 words. A judge shall make a de novo determination of those portions to which objection is made. This Report and Recommendation does not constitute an order or judgment of the District Court, and it is therefore not appealable directly to the Circuit Court of Appeals.